IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

AF $
3725
V. Douglas
#31/Appeal Brief
+ Ext-of-time
6/6/01

In re Application of)
)
Toshiaki Kanemitsu et al) Art Unit: 3725
)
Appln. No. : 08/669,313) Ex: L. Larson
)
Filed : July 8, 1996)
)
For: SHEET METAL MEMBER HAVING AN)
ANNULAR PERIPHERAL WALL...MEMBER)

BRIEF ON APPEAL (3 COPIES)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Transmitted herewith are three (3) copies of a Brief on Appeal in the above-identified application.

1. ( ) An Oral Hearing is requested.
2. ( ) An Oral Hearing is requested on _____.
3. (X) An extension of time for filing the Brief on Appeal
   (X) is hereby requested.
   ( ) was requested on _____.
4. (X) A Verified Statement under 37 CFR 1.9 and 1.27
   ( ) is enclosed.
   (X) is of record in this application.

The fee is calculated as follows:

	Large Entity	Small Entity	Amount
Filing Brief on Appeal	$310.00	$155.00	$155.00
Request for Oral Hearing	270.00	135.00	
Request for Extension of Time for Filing Brief			
( ) 1 month	110.00	55.00	
( ) 2 months	390.00	195.00	
(X) 3 months	890.00	445.00	$445.00
( ) 4 months	1,390.00	695.00	
( ) 5 months	1,890.00	945.00	

TOTAL DUE: $ 600.00

5. ( ) No fee required.
No. 15913

6. (X) A check/ in the amount of $600.00 is enclosed.

7. ( ) Please charge Deposit Account No. 10-1213 in the amount of $_____. A duplicate of this sheet is enclosed.

8. (X) The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 10-1213. A duplicate of this sheet is enclosed.

(X) Any patent application processing fees under 37 CFR 1.17.

( ) The Issue Fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

(X) Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Felix J. D'Ambrosio
Reg. No. 26,721

May 7, 2001

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Toshiaki Kanemitsu et al	) Art Unit: 3725
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Appln. No. : 08/669,313	) Ex: L. Larson
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Filed : July 8, 1996	)
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For : SHEET METAL MEMBER HAVING AN ANNULAR PERIPHERAL WALL AND A METHOD OF THICKENING AN ANNULAR PERIPHERAL WALL OF THE SHEET METAL MEMBER	)

BRIEF ON APPEAL

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Pursuant to the provisions of 37 CFR 1.192, submitted herewith is Applicant/Appellants' Brief on Appeal.

REAL PARTY IN INTEREST

The real party interest, that is the party that holds the entire right, title and interest in this application is the assignee, Kabushiki Kaisha Kanemitsu.

RELATED APPEALS AND INTERFERENCES

No appeal or interference is pending in any related application.

STATUS OF CLAIMS

Claim 8 is allowed, and claims 5 and 6 are finally rejected.

SUMMARY OF THE INVENTION

(page and line references are to the specification)

The present invention relates to a method of thickening an annular peripheral wall of a sheet metal member (page 1, lines 10 and 11). The method starts with a disk-shaped sheet metal member having a small thickness and ends with an annular peripheral wall having a thickness which is several times the thickness of the sheet metal member (page 1, lines 12-15). In fact, the annular peripheral wall is thickened by a factor of 2 or more, or 3 or more (page 3, lines 16-18). The method comprises the steps of: holding a base plate of the disc member having the base plate and a flange-shaped portion integrally formed in the outer periphery of the base plate, between a circular bottom pattern tool and a circular top pattern tool; sequentially pressing the flange-shaped portion projected outside the circular bottom pattern tool and the circular top pattern tool, in a radially inward direction by recessed annular forming faces of circular rollers of plural kinds each having a recessed annular forming face, thereby sequentially thickening the rear side of the flange-shaped portion; and forming the thickened flange-shaped portion into a cylindrical shape which is concentric with the base plate, to form a thickened annular peripheral wall, thereby attaining the thickening in which the thickness of the annular peripheral wall of the sheet metal member is 2 or more times or 3 or more times that of the base plate. (page 4, lines 9-25).

ISSUES

There are two issues in this appeal, namely, (1) is claim 5 anticipated under 35 USC 102(b) by Kanemitsu et al; and is claim 6 unpatentable under 35 USC 103(a) over

Kanemitsu et al.

GROUPING OF THE CLAIMS

Claim 5 is in independent form, while claim 6 is dependent on claim 5. Claims 5 and 6 are directed to the novel method for forming a thickened annular peripheral wall of a sheet metal member.

ARGUMENT

(1)

Claim 5 is not anticipated under 35 USC 102(b) by Kanemitsu et al

Claim 5 defines a method of forming a thickened annular peripheral wall of a sheet metal member which includes four (4) steps of holding and forming; inserting; applying; and again forming. Specifically, the first holding and forming step yields a base plate, a stepped portion, and a flange - shaped portion of the sheet metal member. these portions are specifically operated on by the remaining steps to form the thickened annular peripheral wall. For example, circular rollers of plural kinds are used against the flange-shaped portion and then pressing it in a radially inward direction to form the thickened annular peripheral wall

The examiner suggests that Kanemitsu et al discloses these steps and the resulting thickened annular peripheral wall by reference to Fig. 4 of Kanemitsu et al. Applicant/Appellants' respectfully disagree. Fig. 4 of Kanemitsu et al discloses "another example of the entire shape of the steel plate." What Applicant/Appellants' have been saying is that how the shape of Fig. 4 is produced is not really disclosed. The examiner disagrees and refers to column 2, lines 65 and 66, and column 5, lines 50-54 of Kanemitsu rt al as a basis for the rejection. Column 2, lines 65 and 66 merely state what the shape is not how it is achieved.. Column 5, lines 50-54 does refer to Fig.

4 and does precede this reference by a statement that "...the final thickened portion 12 may be first formed at the peripheral portion of the disk-like steel plate 1, which may then be bent and formed into a flanged cup shape, as shown in Fig. 4," (emphasis added). But Fig. 4 does not show a thickened portion. Apparently it has been eliminated. We do not know how or why. The statement relied upon by the examiner is inconclusive, therefore. We must take Kanemitsu et al at as we find it, and not alternate it to suite the rejection. The rejection should follow from the specific and unequivocal teaching in Kanemitsu et al.

A sample of a thickened flange produced by the method of the invention is being submitted herewith in a sample envelope for the examiner's consideration. The thickened portion is clearly seen. This sample is not at all like what is shown in Kanemitsu et al.

(2)

Claim 6 is not unpatentable under 35 USC 103(a) over Kanemitsu et al

Claim 6 depends from claim 5 and as such should distinguish over Kanemitsu et al based on its dependency alone. In addition claim 6 does state that the inclination is present during the forming step. We do not know if that is the case with Kanemitsu et al.

SUMMARY

The application of Kanemitsu et al is too speculative to be appropriate under either 35 USC 102 or 103. The specifically defined steps are not disclosed or suggested. Therefore, claims 5 and 6 should also be allowed.

Respectfully submitted,

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May 7, 2001

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APPENDIX

5. A method of forming a thickened annular peripheral wall of a sheet metal member, comprising the steps of: holding the sheet metal member and forming from the sheet metal member a base plate, a stepped portion and a flange-shaped portion connected integrally by the stepped portion with an outer periphery of the base plate; inserting the base plate, the stepped portion and at least a port of the flange-shaped portion between a circular bottom pattern tool and a circular top pattern tool; applying recessed annular forming faces of circular rollers of plural kinds against the flange-shaped portion and sequentially pressing the flange-shaped portion projecting outwardly from the circular bottom pattern tool and said circular top pattern tool, in a radially inward direction, thereby sequentially thickening a rear side of the flange-shaped portion; and forming the thickened flange-shaped portion into a cylindrical shape which is concentric with the base plate, thereby forming the thickened annular peripheral wall.

6. The method as defined in claim 5, wherein the flange-shaped portion is inclined relative to the base plate during the forming step.